

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, May 5, 2014

Those Present: Mr. Dick Zimmerman, Chairman
Mrs. Maggi Hays, Board Member
Mr. Rick Stup, Board Member
Mrs. Linda B. Thall, Sr. Assistant County Attorney
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector
Mr. Bob Shrum, Alcoholic Bev. Inspector
Ms. Kathy L. Vahle, Administrator
Mrs. Sandra Rees, Administrative Specialist IV
Mrs. Penny Bussard, Administrative Specialist IV

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 9 am by Chairman Zimmerman.

1. Decision Required: New

RE: Praveen K. Bolarum, Srinivasa
Katepalli and Rohit Khirbat
PCR Ventures LLC
t/a Silk Mill
3401 Urbana Pike
Urbana, MD 21704

Class B, On Sale, Beer, Wine and Liquor

Ms. Vahle swore in the applicants (See Sign In Sheet).
Pending items are: Zoning, the Occupancy Permit, the Fire Marshal, the Health Department, Retail Sales Tax License, the Alcohol Awareness and the Inspector's Report. Kelly Beach stated that they had their Retail Sales License. They have the Alcohol Awareness training completed and everything should be complete within six months. Chairman Zimmerman invited the applicants to the ABLE Training Seminar.

MOTION: Mr. Stup made a motion for a Conditional Approval of the license for November 3, 2014 if all permits and inspections are complete.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays - Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

2. Decision Required: New

RE: Thomas Poss and Jeffrey
Ziccardi for the use of Texas
Roadhouse Holdings LLC
t/a Texas Roadhouse
5101 Pegasus Ct.
Frederick, MD 21704
Class B, On Sale, Beer, Wine and Liquor

Ms. Vahle swore in the applicants (See Sign In Sheet).
Pending items are: the Occupancy Permit, the Fire Marshal, the
Health Department, the Alcohol Awareness and the Inspector's
Report. Ms. Schrecengost stated the restaurant is under
construction and anticipated opening date is mid July.

MOTION: Mrs. Hays made a motion for a conditional
approval of the license for October 6, 2014.

SECOND: Mr. Stup seconded the motion if all permits and
inspections are complete.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the
motion.

VOTE: Mrs. Hays – Aye
Mr. Stup - Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

3. Decision Required: Violation

RE: Lean K. Manea and Chanmony
Prom for the use of Water
Street Liquors Inc.
t/a Town 'n' Country Liquors
34 Water St.
Thurmont, MD 21788
Class A, Off Sale, BWL # 11AL 1297 SU
FCLB Case Number: 6761

Ms. Vahle stated the Officer who is the primary witness for the case was unable to attend the Hearing because of an emergency. Chairman Zimmerman stated the case would be continued until July 14 in order to send out the paperwork.

4. Decision Required: Violation

RE: Michael D. Allen for the use of
Joey & Johnny's LLC
t/a Manny Mart
119 South Market Street
Frederick, MD 21701
Class A Off Sale, Beer
License Number 11A 3104 SU
FCLB Case: 7502

The Board held a violation hearing for the charge of selling to an intoxicated person. Mrs. Thall swore in the witnesses (See attached Sign In Sheet). The licensee pled Not Guilty. Findings of Fact: Did the licensee either directly or through an employee knowingly sold an alcoholic beverage to a patron on November 7, 2013? The Board agreed that he did not know.

MOTION: Mr. Stup made a motion of Not Guilty.

SECOND: Mrs. Hays seconded the motion also stating that she was sure that the Officer knew what was in the bag but could not prove it.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye

Mrs. Hays - Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

5. Decision Required: Violation

RE: Natalia Nastovici for the use of
Pretzel & Pizza Creations Inc
t/a Pretzel & Pizza Creations
210 N. Market St.
Frederick, Maryland 21701
Class B, On Sale, Beer and Wine
License Number 11BW 2791
FCLB Case Number: 7470

The Board held a violation hearing for the charge of consuming alcohol after 2AM. This case was previously scheduled for April 14, 2014 and they requested a postponement. Mrs. Thall swore in the witnesses (See attached Sign In Sheet). The licensee pled Guilty. Also, the licensee stated they have made improvements such as hiring security personnel and hired additional staffing so that this never happens again. They also have last call at 1:30 am now. Ms. Vahle stated the license was issued on December 16, 2009, during 2010 there were three different times where the Inspector went in and there was no wine available. The first was a warning and the second was a \$300 fine and the third was a \$500 fine. On May 3, 2010 there was a Failure to Pick up Renewal on time and a \$150 fine was made.

MOTION: Mr. Stup made a motion given the fact that the licensees have taken corrective steps, will assess a \$100 fine per each person involved which is a total of \$200.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays - Aye
Mr. Zimmerman - Aye

The vote was unanimous. ***Ayes – 3 Nay – 0***
(Motion Passed)

6. **Closed Session** – Ms. Vahle stated the Board was going to go into a Closed Session but this will be postponed so they can hear the comments of the people who are in the audience.
7. **Entertainment Policy** – Commissioner Zimmerman stated he welcomed the input from the audience and the Liquor Board is in the process of reviewing the Regulations. Mrs. Hays stated she looked at the Facebook comments and did not understand what the complaint was and wanted someone to explain it. Mr. Stup stated that this is not a Regulation, this is a Policy. The Board has tried to make it easier for everybody to understand very complicated laws. There is nothing new in this Policy. It is all in the Regulations that were adopted either by the State or by the County Regulations by the previous Board.

Brian Nicholson stated he is a lead singer for a band and felt the language was quite vague and that the Board was going to censor the entertainment and limit their ability to work. He had a problem with the two week request time and wanted clarification.

Ernie Payne stated he was concerned about last minute cancellations, and that would he be fined. Mr. Stup stated he was concerned with the removal of the tables and chairs and they would need to be compliant with the Fire Marshal.

Mark Brit stated that under the procedures, 3b “Compatibility for entertainment within the neighborhood”, needs to be reworded so the Board would not have the ability to decide what types of music can be played. Commissioner Zimmerman stated this does not apply to every situation. There may be someone who wants to have live entertainment outside close to a residential area. Mr. Stup stated the compatibility is from the Zoning Ordinance, and in order to get approval to have it you have to prove compatibility to get your Zoning Certificate. So rather than come up with a different word our Regulations say that you have to comply with Zoning and if you have to comply with Zoning you have to be compatible.

Fain Farrow stated the requirement, 2, says you need the approval in writing before entertainment is publicized or sold. Is this going to effect the establishments and how they promote? Chairman Zimmerman stated that the Board was talking about special events that are advertised and people pay money in advance.

David Conrad stated he needed more clarification and what could we do as a County and get the State to revisit some of these things. Mr. Stup stated the Board is in the process of updating the Regulations and will want the licensees to come in and give some feedback. He did not understand what the term open microphone meant. Chairman Zimmerman stated they were referring to open mike nights. Mr. Stup stated some of the licensees did not think open mike nights was entertainment.

Sarah Hurwitz stated she wanted to speak as downtown business owner, and she has had nothing but positive actions with the Board. She wanted to dispel some of the myths going around. She stated her business is the oldest in the downtown, and things have gotten so much better. She contributes that to the music scene and would not like to see strict regulations to stifle that. The Board stated they are here to help and please call with any questions.

Ed Callen stated he is a local resident and owns a recording studio in Frederick. He needs clarification on the DB levels wording and the obscenity law. Chairman Zimmerman stated this is a State code and cannot be changed.

Brian Nuckles stated he works for Café Nola and the request for entertainment, in his opinion, contained bias in referring to having the specific details for the entertainment. He was glad there was a blanket request form. Mr. Stup stated the Board wanted everybody to be aware of this policy. The Board does not license anything for entertainment but your liquor license and your approval for recurring entertainment becomes part of your liquor license.

Goodloe Bryon stated that if there are going to be blanket forms there should be some criteria to go along with it. Also there should be a list given to the bartenders and door people. Mr. Stup stated that we try to keep the forms short so everybody will read them. Everybody should already be monitoring things and all we are concerned about is how the people are carded and making sure people are not handing drinks to other people.

Delegate Kelly Schultz stated she understands that the Board was trying to put a clarification out there in regards to a process that was already occurring and trying to streamline that process. Mr. Stup stated he wanted to get a list of items to Delegate Schultz since she is the Chair. She asked that he do that by this fall and so they can work on those items with the attorneys.

Carly Shields stated to the Board not to get upset and take what was said on Facebook too personally because it gets to be a lot of emotion and confusion.

Kenny Eaton thanked the Board for having an open forum to express their issues.

Susan Glass, co-owner of the Ott House stated she has always sent a request for any event. Mr. Stup stated he had met with the Mayor of Emmitsburg before he drew up a draft on behalf of the Board to present the Policies to the Board, and nothing has really changed. If you do not want to use the form and send a letter in, you can, but the form is easier. Ms. Vahle stated everybody asks for a form to fill out.

Eric Legg stated he is a farmer/DJ/auctioneer and has worked different non-profit events and noticed gift baskets with alcohol in them. He could not find any laws in any of the Frederick County Government books. Ms. Vahle stated that the State has a Charity Wine Auction permit. Ms. Vahle stated if someone brings alcohol into a licensed establishment they will be in violation and it is illegal to donate alcohol.

Dan Brick the Managing Director of Maryland Ensemble Theatre, asked how to fill out the form. Ms. Vahle stated he can fill a out blanket request for all regular theatrical events.

Marley Hardin a server for Café Nola wanted to discuss seating. She felt there was a lack of communication between the Board and the licensees. She questioned the seating law, and said capacity is an issue. They move tables and chairs around to have bands. Ms. Vahle stated the law requires a restaurant to be able to seat 50 people at tables not including the bar area at all times. You must seat 50 or you do not qualify for a liquor license and you are allowed to move the table and chairs 4 times a year for a special event.

8. **Frederick Running Festival** - Ms. Vahle stated Saturday and Sunday there was a big running festival and there were some problems with serving beer on Sunday and they did not adhere to the regulations for serving alcohol and providing security. There will be a post meeting with the event coordinators, inspectors and Ms. Vahle. Chairman Zimmerman stated Ms. Vahle did the correct thing in advising the licensee of the regulations.

ADJOURN

The meeting was adjourned at 12:30 pm.

Respectfully submitted,

Kathy Vahle, Administrator
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees